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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051170
Party	Defendant O2 HOLDINGS LIMITED
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

O2Micro International Ltd.	Cancellation No. 92051170
Petitioner,	Mark: O2
v.	Reg. No. 2231093
O2 Holdings, Ltd.	
Registrant.	

ANSWER TO PETITION TO CANCEL REGISTRATION

Registrant, O2 Holdings, Ltd., (“Registrant”), by and through its attorneys Baker & Rannells, PA, for its Answer and Affirmative Defenses to the Petition to Cancel Registration of the Petitioner, O2Micro International Ltd., (“Petitioner”), alleges on knowledge as to its own acts and otherwise upon information and belief as follows:

With respect to the introductory paragraph of the Petition to Cancel Registration, Registrant states that it has insufficient knowledge or information upon which to form a belief as to the corporate information of Petitioner and it denies that Petitioner will be damaged by Registration No. 2231093.

1. Registrant has insufficient knowledge or information upon which to form a belief concerning the allegations contained in Paragraph 1 of the Petition to Cancel Registration with respect to Petitioner’s family of trademarks (“Petitioner’s Marks”).

2. Registrant has insufficient knowledge or information upon which to form a belief concerning the allegations contained in Paragraph 2 of the Petition to Cancel Registration

3. Registrant admits that Petitioner and Registrant are parties to trademark opposition proceedings in other countries with respect to trademarks comprising the term “O2.”

4. Registrant admits that on September 19, 1996 Registrant’s predecessor in interest, Silicon Graphics, inc. filed an application with the United States Patent and Trademark Office (“USPTO”) for the mark “O2,” (“Registrant’s Mark”), serial number 75268580 in Class 9 for “computer hardware and computer operating system software, and instructional manuals therefore sold as a unit therewith,” which subsequently matured into Registration Number 2331093 (the “O2 Registration”).

5. Registrant admits that on October 29, 2007, Registration Number 2331093 was assigned to Registrant and recorded with the USPTO at Reel 3649, Frame 0527. .

6. Registrant admits that on March 9, 2009, it filed a Combined Declaration of Use in Commerce & Application for Renewal of registration of Registrant’s Mark under Sections 8 & 9 (“Renewal Application”) and claimed use of the mark in commerce in connection with all of the goods recited in the O2 Registration. Registrant has insufficient knowledge or information upon which to form a belief concerning the remainder of the allegations contained in Paragraph 6 of the Petition to Cancel Registration

7. Registrant denies each and every allegation contained in Paragraph 7 of the Petition to Cancel Registration.

8. Registrant denies each and every allegation contained in Paragraph 8 of the Petition to Cancel Registration.

9. Registrant denies each and every allegation contained in Paragraph 9 of the Petition to Cancel Registration.

10. Registrant denies each and every allegation contained in Paragraph 10 of the Petition to Cancel Registration.

11. Registrant denies each and every allegation contained in Paragraph 11 of the Petition to Cancel Registration.

12. Registrant admits that the Renewal was granted for the O2 Registration but Registrant denies the remainder of the allegations contained in Paragraph 12 of the Petition to Cancel Registration

13. Registrant denies each and every allegation contained in Paragraph 13 of the Petition to Cancel Registration.

14. Registrant denies each and every allegation contained in Paragraph 14 of the Petition to Cancel Registration.

AFFIRMATIVE DEFENSES

1. As and for a first defense, the Petition to Cancel fails to state a claim upon which relief can be granted

2. As and for a second defense, the Petition to Cancel is barred by the doctrines of laches and waiver in that the Petitioner's Marks have coexisted with Registrant's Mark since at least 2001 without prior objection from Petitioner.

3. As and for a third defense, the Petition to Cancel is barred by the doctrine of estoppel in that the United States Patent and Trademark Office ("USPTO") issued an office action with regard to one of Petitioner's applications in which the Examining Attorney cited Registrant's Mark in a 2(d) refusal to register. Teresa Tucker, the attorney who filed the instant Petition to Cancel, successfully responded that Registrant's Mark and Petitioner's Mark were so dissimilar in name and with respect to the goods on which each party used its Mark that no

likelihood of confusion was likely to occur. The Examining Attorney at the USPTO relied on the statements of Ms. Tucker, removed the 2(d) citation and allowed Petitioner's Mark to register.

4. As and for a fourth defense, the Petition to Cancel is barred in whole or in part by the unclean hands doctrine as the parties are involved in other litigation in Europe in which they indicated mutual desires to settle, and Petitioner instituted this litigation purely as a settlement tactic.

5. As and for a fifth defense, Petitioner may have committed fraud on the USPTO for failure to use one of its Marks in association with its goods by not either directly applying its Mark on its goods or on its point of sale material, or the like; Applicant reserves the right to file an Amended Answer with Counterclaims after discovery commences and discoverable evidence is produced of said fraud.

6. As and for a sixth defense, Registrant denies the allegations in paragraphs six (6) through thirteen (13) of the Petition to Cancel, but affirmatively states that a substitute/additional specimen has been submitted showing Registrant's goods bearing Registrant's Mark on its goods that was in use in commerce within one year before the end of the ten-year period after the date of registration pursuant to TMEP § 1604.12(c)(2).

Dated: September 8, 2009

BAKER AND RANNELLS, PA

By: /s/ Linda Kurth
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO PETITION TO CANCEL REGISTRATION in re O2Micro International Ltd.v. O2 Holdings, ltd, Cancellation Number 92051770 was forwarded by email and first class mail, postage prepaid, on this 8th day of September, 2009 to the attorneys for the Petitioner at the following address:

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/s/ Linda Kurth
Linda Kurth